

LAW OFFICES OF JOHN A. TOSNEY  
JOHN A. TOSNEY, SBN: 97183  
331 J Street, Suite 200  
Sacramento, CA 95814  
Tel: (916) 441-4002  
Fax: (916) 441-4622

Attorney for Debtor(s)  
THOMAS JOHN WOOD and  
DAWN M. WOOD

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

In re:

THOMAS JOHN WOOD and  
DAWN M. WOOD,

Case No.: 10-32556-B-13J  
Mtn. Ctrl. No. JT-4  
In Chapter 13  
DATE: December 7, 2010  
TIME: 9:32 a.m.  
DEPT: B, CTRM 32  
Honorable Judge Thomas C. Holman

Debtor(s).  
\_\_\_\_\_ /

**MOTION TO MODIFY CHAPTER 13 PLAN  
AFTER CONFIRMATION FILED ON NOVEMBER 16, 2010**

Debtors, THOMAS JOHN WOOD and DAWN M. WOOD, by and through their attorney of record, JOHN A. TOSNEY, Esq., hereby moves the court for an order approving the modification of the debtors, Chapter 13 Plan after confirmation. The Motion respectfully represents the following:

1. Debtors' Plan was confirmed on or about September 29, 2010. The Plan proposed to pay \$1,302.00 per month for 1 month then \$3,265.00 per month for 59 months, with no less than 0 cents on the dollar being paid to unsecured creditors.

2. Debtors' modified plan provides for BAC Home Loans to be removed from Class 1 of their plan and has now been placed in Class 4 after Debtors' entered into a mortgage modification agreement with their mortgage lender which would absorb their pre-petition mortgage arrears into the new principal balance of their new loan amount as well as decrease the interest rate and their ongoing mortgage payment.

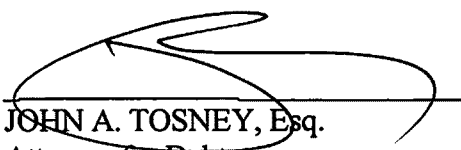
1 The decrease with their mortgage payment would be beneficial to the Debtors based on the grounds that  
2 they have had some recent budget changes since they filed their case. Recently Debtor's mother has moved  
3 in with them since she is no longer able to care for herself since she is disabled from illness. Therefore,  
4 some of Debtors household expenses have increased such as cost for food, utilities and medical costs. Also,  
5 there have been some other additional expenses added to their budget for items such as pest control which  
6 has been included in the home maintenance section and an alarm system for their house.

7  
8 3. Based upon the following calculations, the debtors, by changing the plan payments to a total  
9 of \$14,362.00 has been paid into their plan as of month 5 then \$976.00 per month for months 6 through 60  
10 and increasing the percentage to unsecured creditors at no less than 16.6%, they can complete their plan  
11 within 60 months as shown in the following calculations:

Total unsecured claims:	131,256.95
	<u>x 16.6%</u>
	21,829.33
Priority Claims	9,266.39
Secured claims:	19,029.85
Interest on secured:	2,542.80
Attorney fee:	<u>500.00</u>
Subtotal:	53,168.37
Trustee fee 7.2%	<u>4,125.14</u>
TOTAL:	57,293.51
Balance on hand:	<u>3,613.51</u>
REMAINING:	53,680.00
<b>55 months @ 976.00 per month = \$53,680.00</b>	

12  
13  
14  
15  
16  
17  
18  
19  
20  
21 WHEREFORE, debtors, THOMAS JOHN WOOD and DAWN M. WOOD, hereby prays for an  
22 Order modifying their Chapter 13 Plan that their plan payments be changed to a total of \$14,362.00 has  
23 been paid into their plan as of month 5 then \$976.00 per month for months 6 through 60, the unsecured  
24 creditors be paid no less than sixteen-point-six (16.6) cents on the dollar and that the life of the plan remains  
25 at a total of sixty (60) months.

26  
27 Dated: \_\_\_\_\_

28 By:   
JOHN A. TOSNEY, Esq.  
Attorney for Debtors